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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,874	12/11/2000	Hidckazu Arao	1538.1005/JDH	2172
21171	7590	08/13/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				TRUONG, LECHI
		ART UNIT		PAPER NUMBER
		2126		

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
Examiner	Art Unit		
LeChi Truong	2126		
09/732,874	ARAO, HIDEKAZU		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 July 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4,5,7-9,11-15 and 17-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4,5,7-9,11-15 and 17-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

1. Claims 1, 2, 4, 5, 7, 8, 9, 11-15, and 17-22 are presented for the examination.

Claim Rejections - 35 USC § 112

2. Claims 1-2, 4-5, 8-9, 11-15, 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following claim languages are not clearly defined.

(i) As per claim 1, 8, 14, 20, 21, they are not clearly indicated what the relationship is among the predetermined condition and a tag data structure. The last paragraph should be put next to the second paragraph in order to show the relationship between the predetermined condition and a tag data structure.

Lines 9-10, it is not clearly indicated a tag data structure or the predetermined what was including said requirement relating to said time.

Claim Rejections - 35 USC § 102

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 8, 9, 12, 14, 15, 18, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicholls et al (US. Patent 6,62,232 B1).

4. **As to claim 1**, Nicholls teaches a received message (E-mail message, col 4, ln 50-55/ col 9, ln 45-53), a time (the time, col 9, ln 47-54/ first time period, col 10, ln 57-

65), predetermined condition (the subscribers criteria as pre programmed by the processor, col 4, ln 49-52), a predetermined condition including a requirement relating to a time when said received message occurred is fulfilled (col 9, ln 45-54), a process corresponding to the fulfilled predetermined condition (that email is faxed to a facsimile device at telephone number: 123-456-7890, col 10, ln 56-65), performing a process corresponding to the fulfilled predetermined condition if said judging means judged that said received message fulfilled said predetermined condition, including the required to the time when said received message occurred (col 10, ln 56-65), passing said received message to a standard destination of said received message if said judging means judged that said received message did not fulfill said predetermined condition(col 6, ln 44-52), at least one modification of setting of display destination of substantial contents of said received message(col 10, ln 2-7), setting display destination/ recording destination of said received message(if an email message intended for the subscriber is received within the first time period(1:30 pm, Dec. 12, 1998) then that e-mail is faxed to a facsimile device at telephone number, col 10, ln 56-65), a content of said process corresponding to said fulfilled predetermined condition(Nicholls@pb.com from allport@home.com ... 111-22-3333, col 6, ln 18-22/ Fig. 7), requirement relating to said time when received message occurred(time period, fig 10, col 10, ln 50-55), a tag data structure including said predetermined condition including said requirement relating to said time when received message occurred and a corresponding processing content including at least one of: a message content to be transferred, a display destination to be set, and a recording destination to be set(col 6, ln 13-26/ col 10, ln 50-55/ Fig. 7/ 10).

5. **As to claim 2**, Nicholls teaches storage device (a subscriber, col 6, ln 13-18).

6. **As to claim 5**, Nicholls teaches a process for executing a processing content corresponding to said predetermined condition at a time corresponding to said predefined condition (col 10, ln 56-60).

7. **As to claims 8, 9,12, 14,15, 18, 20, 21**, they are apparatus claims of claims 1, 2, 5; therefore, they are rejected for the same reasons as claims 1, 2, 5 above.

8. **As to claim 22**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In addition, Nicholls teaches a combination of a plurality of messages (all received e-mail messages are transmitted to a common facsimile location, col 6, ln 56-58)

9. **Claims 4, 11, 17** are rejected under 35 U.S.C. 102(b) as being anticipated by Nicholls et al (US. Patent 6,662,232 B1) in view of Kininis (US. Patent, 5,631,847).

10. **As to claim 4**, Nicholls do not explicit teach changing a notification destination of said received message in accordance with a priority set in advance when the notification fail. However, Kininis teaches changing a notification destination of said received message in accordance with a priority set in advance when the notification fail (upon receiving an error signal from the computer via the communication link, dials a sequence of presorted telephone numbers in order, col 1, ln 43-46)/ col 3, ln 65-67 to col 4, ln 1-8).

11. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Nicholls and Kininis because Kininis's upon receiving an error signal from the computer via the communication link, dials a sequence of presorted telephone numbers in order would prevent the failure of

communication because of an error condition that may lead to downtime and provide notification of file server error that is persistent and automatic and will not fail if a file server fails.

12. **As to claims 11, 17,** they are apparatus claims of claim 4; therefore, they are rejected for the same reasons as claim 4 above.

13. **Claims 7, 13, 19** are rejected under 35 U.S.C. 103(b) as being unanticipated by Nicholls et al (US. Patent (6,662,232 B1) in view of Lee et al (US. Patent 6,721,401 B2).

14. **As to claim 7,** Nicholls do not teach receiving an e-mail including a predetermined condition... a mail body ... in response to receipt of said e-mail. However, Lee teaches receiving an e-mail including a predetermined condition... a mail body ... in response to receipt of said e-mail (the calling phone can send a menu response to the communication. The menu response indicates one of the sets of destination names. The communication system receives the menu response from the calling process and redirects the calling phone to the destination name, col 1, ln 55-59/the text-based menu interface is sent by HTML message, col 7, ln 7-12).

15. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Nicholls and Lee because Lee's the calling phone can send a menu response to the communication. The menu response indicates one of the sets of destination names. The communication system receives the menu response from the calling process and redirects the calling phone to the destination name/ the text-based menu interface is sent by HTML message would allows a user to

obtain a list of destination names without having to hang up and dial directly the chosen member of the list of destination names.

16. As to claims 13, 19, they are apparatus claims of claim 7; therefore, they are rejected for the same reason as claim 7 above.

17. *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

August 6, 2004



MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
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